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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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IN RE:

RONNIE C. MCKINNEY and JOAN E.  
MCKINNEY,

Debtors,

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SETERUS, INC.,

Appellant,

v.

RONNIE C. MCKINNEY and JOAN E.  
MCKINNEY,

Appellees.

Case No. 3:19-cv-00089-LRH

Bk. Case No. 10-50597-BTB

ORDER

This is a consolidation of two appeals from the United States Bankruptcy Court, District of Nevada, by appellant Seterus, Inc. Seterus' first appeal concerns an order by the bankruptcy court sanctioning it for, *inter alia*, violating a bankruptcy stay, and the second appeal concerns another order entered by the bankruptcy court awarding appellees' attorney's fees incurred in litigating the case. (ECF No. 16 at 4). The parties fully briefed the appeal (ECF Nos. 11, 12, 14), but shortly after the close of briefing, Seterus filed a motion to dismiss its appeal as moot. (ECF No. 16). In that motion, Seterus states that it has reconsidered the appeal and has elected to pay

1 the judgments entered against it and that appellees have accepted full payment. (*Id.* at 3). It requests  
2 that its appeal be dismissed with each side paying their own costs and fees. (*Id.*) Appellees,  
3 however, demand that Seterus pay their attorney's fees for the expense incurred in litigating the  
4 appeal. (ECF No. 17 at 2).


5 As to the issue of Seterus's appeal, given that it has paid the judgments entered by the  
6 bankruptcy court and appellees have accepted Seterus' payment in satisfaction of those judgments,  
7 the only issue remaining before this Court is whether, and if so, in what amount, appellees are  
8 entitled to an award of attorney's fees on appeal.

9 If appellees wish to file a motion and points and authorities in support of their right to  
10 recover attorney's fees on appeal, they may do so within 14 days of entry of this order. Any motion  
11 must be in full compliance with Local Rule 54-14. Seterus may file a response within 14 days of  
12 the filing of the appellees' motion. Prior to the filing of any motion, the Court encourages the  
13 parties to meet and confer to attempt to resolve the issue without court intervention. The Court  
14 would also refer this to Magistrate Judge Robert A. McQuaid and stay further action in this matter  
15 for the purposes of a settlement conference upon the request of either party.

16 As to the issue of Seterus' appeal, the Court will **GRANT** Seterus' motion to dismiss **in**  
17 **part** (ECF No. 16) and reserve further ruling until further notice of the parties' positions. Such  
18 notice shall be filed within 14 days of the entry of this order.

19 IT IS SO ORDERED.

20 DATED this 9th day of January, 2020.

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23 LARRY R. HICKS  
24 UNITED STATES DISTRICT JUDGE  
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